

## Indian government shouldn't ban porn

The Indian government in recent times has tried to block access to pornographic material at least twice. First in August 2015, when following a supreme court verdict, they asked telecom operators and Internet Service Providers to block 857 websites related to pornography to "protect social decency". They quickly had to lift this ban though due to public outrage and asked ISPs only to block websites related to Child Pornography. It all started with this long-standing petition by an Indore based advocate, Kamlesh Vaswani which pushed the Supreme court to pass the ruling. In the petition, Mr. Vaswani claimed that the youth of India is failing because they are "drowning in porn" and states that porn is "worse than Hitler, worse than AIDS, cancer, or any other epidemic. It is more catastrophic than the nuclear holocaust, and it must be stopped."<sup>[1]</sup> In his petition, he calls porn a "moral cancer" and argues that porn is the root cause of sexual or any kind of crimes against women and children. This argument is later picked up by the Uttarakhand high court in 2018 when they asked the center to ban all online porn after it was found out that a class 10<sup>th</sup> student was gang-raped in Dehradun and the accused admitted to watching porn. According to the court, "Sites are readily available to the children to view obscene and indecent acts, including pornography. The psyche of the children of impressionable age is also affected, which, at times, results in the commission of crimes."<sup>[2]</sup> This led center to reinstate the ban they reverted in 2015 and it still stands to this day.

The arguments made against porn in the 112 page petition and the two government orders can be broadly categorized in few different categories. The first one and the most major one being that porn causes sexual violence. In the petition, Mr. Vaswani states that "most of the crime against women/ girls/children are committed by offenders fuelled by pornography" and then builds a narrative of the horrific Delhi 2012 gang rape in which he claims that the rapists "must have been watching porn"<sup>[3]</sup>. He later goes on to say that there are studies are showing the proportional relationship between porn and sexual violence without citing any one of them. This shows that his anti-pornography sentiments do not necessarily rest on empirical evidence. The government also rested their ruling on this very argument. As Corey Price mentioned in his response to this ban, the government clearly does not have a solution to this systematic culture of rape and misogyny in India and is using a porn ban as a scapegoat.<sup>[4]</sup> The government instead of actually dealing with the issues is going the easy path and blaming the whole thing on porn. Also blocking the big "safer" sites which have "a strict terms of service" and a takedown page might actually lead the seekers to shady websites that host illegal content.

There are peer-reviewed studies that argue the polar opposite of this.<sup>[5]</sup> This study published in the Indian journal of psychological medicine conducted by Suresh Bada Math, Maria Christine Nirmala, and few other psychologists concluded that easy access to pornography did not have a significant impact on rape rates and crime rates against women in India. So the misogyny that Vaswani talks about in his petition is clearly not a new phenomenon that arose after the free access of internet porn neither does it play a significant role in that. (In the Indian context). There also have been multiple examples in the past when free access to porn resulted in significantly less sexual violence. This includes Denmark<sup>[6]</sup>, Japan<sup>[7]</sup>, Czech Republic<sup>[8]</sup>, China, and Hong Kong. Researchers noted that when the pornography laws were lax in these countries (1970's in Denmark and 2000 for Japan, China, and Hong Kong) the reported sexual crimes went down. From these, one can conclude that an easier connection can be made between porn as a sexual outlet instead of it fuelling the mind of offenders and making them commit a crime.

The other argument made in the petition and by the government is that porn is obscene, disgusting, and as Vaswani calls it, "moral cancer". He says "It is doubtful that pornography makes any contribution in the healthy development of society but corrupts the minds of people by its low-quality material which also diverts them from more worthy self-enhancing occupation" going as far as to say that it makes people selfish and if porn was banned, it would increase the GDP of nation. This is very clearly a case of moral policing by government in a context where the immorality itself isn't sufficient cause for prohibition and restricting what an individual does in their private places as long as it's not infringing the

rights of any other individual is a clear violation of Article 21 and Article 19 of the constitution.

The final point that Vaswani makes in his petition is about the exploitation of sex workers which is the most relevant point in the whole petition but the solution isn't shutting down the whole industry.

Also, porn in a regressive society like India, gives individuals sexual freedom and "normalizes" sex without associating it to any taboos, and until we solve these negative connotations that come with sex, it will be hard to approach the problem of systematic misogyny. This whole ordeal looks like a missed opportunity by the government to initiate a meaningful conversation about the rights of sex workers and ill effects of porn, and introduce sex education in schools but took a reactionary measure which does nothing on the ground level.

## REFERENCES

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3. <https://www.bbc.com/news/world-asia-india-33955916>
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8. Diamond, M. et al. "Pornography and Sex Crimes in the Czech Republic," *Archives of Sexual Behavior* (2011) 40:1037